

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

MAY 1 - 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Petition of )  
 )  
GUAM BROADCAST SERVICES, INC. )  
 )  
Amendment of Section 73.202(b), )  
FM Table of Allotments )  
(Tumon, Guam) )

PETITION FOR RULE MAKING

Guam Broadcast Services, Inc. ("GBS"), by its counsel, hereby submits its petition for rule making ("Petition") to amend Section 73.202(b) of the Commission's Rules to add Channel 280A, Tumon, Guam. In support hereof, GBS states as follows:

1. The proposed allotment would serve the public interest by providing a first local service to Tumon, the third priority under the Commission's FM Assignment Policies.<sup>1</sup> As demonstrated in the Engineering Statement of John J. Mullaney, the proposed allotment is fully-spaced and complies with the Commission's technical rules and policies.<sup>2</sup>

2. If the Petition is granted, GBS will file an application for Construction Permit to construct and operate a station on Channel 280A, Tumon, Guam, and, if granted, expeditiously construct the new facility.

---

<sup>1</sup> The FM priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982) ("FM Assignment Policies").

<sup>2</sup> Mr. Mullaney's Engineering Statement is attached hereto as Exhibit 1.

044

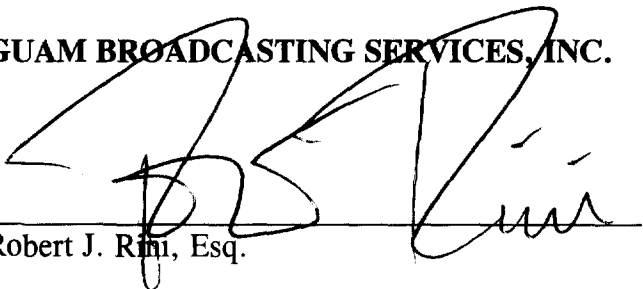
## CONCLUSION

GBS proposes that the FM Table of Allotments be amended to add Channel 280A, Tumon, Guam. The proposed channel substitution serves the public interest by providing a first local service to Tumon. The Petition is a preferential allotment under the Commission's priorities for assigning FM allotments. See FM Assignment Policies at 92.

**WHEREFORE**, GBS respectfully submits that the public interest would be served by amending the FM Table of Allotments as proposed herein.

Respectfully submitted,

**GUAM BROADCASTING SERVICES, INC.**



Robert J. Rini, Esq.

Rini, Coran & Lancellotta, P.C.  
1350 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036  
(202) 296-2007

Its Attorney

May 1, 1998

JOHN J. MULLANEY  
JOHN H. MULLANEY, P.E. (1994)

ALAN E. GEARING, P.E.  
THOMAS J. JOHNSON

301 921-0115 Voice  
301 590-9757 Fax  
mullengr@aol.com E-mail

**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE:**

**GUAM BROADCAST SERVICES, INC.  
TUMON, GUAM  
ALLOTMENT OF CHANNEL 280A**

**APRIL 30, 1998**

**ENGINEERING STATEMENT IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND  
THE FM TABLE OF ASSIGNMENTS**

**ORIGINAL  
SIGNATURE**

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT EE:

GUAM BROADCAST SERVICES, INC.  
TUMON, GUAM  
ALLOTMENT OF CHANNEL 280A

TABLE OF CONTENTS:

1. Declaration of Engineer
2. Narrative Statement.
3. Figure 1 Reference Site Map for Ch. 280A.

**MULLANEY ENGINEERING, INC.**

**DECLARATION**

I, Thomas J. Johnson, declare and state that I am a graduate electrical engineer with a B.S.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Guam Broadcast Services, Inc. to prepare an engineering statement in support of a Petition to Amend the FM Table of Assignments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

  
Thomas J. Johnson

Executed on the 30th day of April 1998.

**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE:**

**GUAM BROADCAST SERVICES, INC.  
TUMON, GUAM  
ALLOTMENT OF CHANNEL 280A**

**NARRATIVE STATEMENT:**

**I. GENERAL:**

This engineering statement has been prepared on behalf of Guam Broadcast Services, Inc. The purpose of this statement is to support a request that the FM Table of Assignments be amended to allocate Ch. 280A (103.9MHz) at Tumon, Guam. There is no local service licensed to Tumon.

It should be noted that the area in question is not within 290 kilometers (180 miles) of a U.S. Border and, therefore, foreign concurrence (Canadian) is not required.

**II. ENGINEERING DISCUSSION:**

**A. Proposed Site:**

Guam Broadcast Services, Inc. proposes to erect a new tower near Tumor, Guam.

The following geographic coordinates are a reference point within the city of Tumon:

Latitude: 13° 30' 25"  
Longitude: 144° 48' 05"

The proposed site will provide an unobstructed view of the City of License, Tumor and is located close enough to serve the entire Community with the required 3.16 mV/M contour.

**B. Channel Allocation Study:**

The nearest station is co-channel or adjacent channel station is station KZMI Channel 280A, Garapan-Saipan, Guam which is located 211.05 km from the proposed reference site. Since the required class A-to-A co-channel separation is only 115 km, no allocation study is being submitted.

Figure 1 is a map which shows the proposed reference site.

**C. Public Interest Showing:**

There is currently no AM or FM Station assigned to Tumor, Guam. Grant of this proposed rule making would provide this community with its first local transmission facility.

Based upon the above reasons Guam Broadcast Services, Inc. believes that the requested channel allocation is in the Public Interest and should therefore be granted by the Commission.

**Guam Broadcast Services, Inc.  
PETITION FOR RULEMAKING**


**MULLANEY ENGINEERING, INC.**

**III. SUMMARY:**

Guam Broadcast Services, Inc. requests that the FM Table of Assignments be amended to allocate FM Channel 280A at Tumon, Guam.

<b>City</b>	<b>Present</b>	<b>Proposed</b>
Tumon, Guam	None	280A

Guam Broadcast Services, Inc. believes that the proposed allocation of the only Full Time local service assigned to Tumon, Guam will Serve the Public Interest. If allotted, Guam Broadcast Services, Inc. will promptly apply for a construction permit.

  
\_\_\_\_\_  
Thomas J. Johnson

April 30, 1998.



144° 18' 15" 32' 50" 165° 10' E 164 50° 166 167 (RITID)

